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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,002	02/27/2002	Alin D'Silva	01-1013	5764

32127 7590 03/06/2006

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,002

Applicant(s)

D'SILVA ET AL.

Examiner

Rasha S. AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 22, 24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-10, 12, 14, 22, 24 and 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 13, 2005 has been entered. Claims 1, 8, 22, 26, 27, 29 and 35 have been amended. No further claims have been canceled. No further claims have been added. Claims 1-3, 5, 7-10, 12, 14, 22, 24 and 26-37 are pending in this application, with claims 1, 8, 22, 27, and 32, being independent.

Information Disclosure Statement

2. The IDS 02/08/2006 have been considered by the Examiner. However, Non Patent Literature Document "MP3 Recorder Download - MP3 Recorder - Record Audio Stream to MP3 or WAV," 2002 is either missing or has not been submitted by Applicant.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 5, 7-10, 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 8 recite "receiving a request from a requesting party" and receiving a request for a call connection from a calling party". It is unclear whether the "requesting party" is the same as the "calling party" or not.

Dependent claims 2-3, 5, 7, 9-10, 12 and 14 are rejected for the same reason as independent claims 1 and 8.

Claim Rejections - 35 USC § 103

5. Claims 1-3, 5, 7-10, 12, 14, 22, 24, and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pattison et al (US PAT # 6, 058,163) in view of Frey et al (US PAT # 6, 535, 596).

Regarding claim 1, Pattison teaches a method, comprising: receiving at least one analysis request from a requesting party (this reads on the supervisor submitting a request to place a monitoring session, see col. 5, lines 37-47 and col. 6, lines 10-12); receiving a request for a call connection from a calling party to a called party (this basically reads on any calls placed to the call center 10 as shown in Fig. 1, from a caller/customer to the agent, see also, col. 2, lines 12-15), the call connection request being associated with at least one analysis request (this reads on customers making calls to ask questions or to requests particular services, see col. 1, lines 30-32); recording dial stream information derived from the call connection while the call connection is established (this reads on recording all the information about the call from the beginning to the end of the session, see col. 2, lines 34-36 and col. 5, lines 3-6); and providing the result to the requesting party (see col.11, lines 6-7).

Pattison does not specifically teach analyzing the recorded dial stream information derived from at least one of the call connection request and the call connection to generate a result for the at least one analysis request.

However, Frey teaches a system designed to process calls based on subscriber profiles information. For example, when a calling party enters or pushes a button on their keypad, the access module 117 analyzes the entered digits in order to recognize the type of information or services that are requested by the calling party (see col. 6, lines 43-55). Also, the claimed feature of “analyzing the recorded dial stream information derived from at least one of the call connection request” is obvious and well known in the art because the analyzed information must be derived from the call connection request.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of analyzing the entered information in order to generate a result, as taught by Frey, into the Pattison system in order to provide speed and convenience.

Claims 8, 22, 27, 31-33, and 37 are rejected for the same reasons as discussed above with respect to claim 1. Claim 27 recites “means for requesting permission to provide the result of the analysis to a recipient”. This may simply read on authentication step that is performed prior to allowing the supervisor to request the monitoring event

(see col. 5, lines 37-47 and col. 6, lines 36-39 In Pattison). Pattison perform the function of permission and authentication for the monitoring session first prior to the acceptance of a monitoring request from the supervisor. However, the claimed invention asks for the permission to submit the requested information after it performs conducting this information and prior to the transmission of this information to the requesting party. These two features lead to the same conclusion, which is providing the requested information to the authorized person.

Regarding claims 2 and 9, Frey teaches at least one analysis request is associated with at least one product or service (see col. 4, lines 12-18).

Regarding claims 3, and 10, Frey teaches the result for the analysis request determines the level of interest in the at least one product or service (this basically reads on providing the subscriber with the service or the preference that he/she desired, such as the language or the dialing preference (using keypad or speaking), see col. 5, lines 17-20.

Regarding claims 4, 11, 18 and 23, Frey teaches determining a response to the request for the call connection (this basically reads on providing the caller the specific request or service required, see for example, col. 9, lines 42-56); and recording the response to the request for the call connection (this is inherent). For claim 23, the claimed processor reads on the call behavior 130 (see col. 5, lines 2-40).

Claims 5, 12, 24 and 34 are rejected for the same reasons as discussed above with respect to claim 8.

Regarding claims 7, 14, and 26, Frey teaches billing the recipient and/or the receiving party for the result (see col. 8, lines 10-42).

Regarding claim 28, Pattison teaches the at least one analysis request is received as a data transmitted over a data network (see col. 4, lines 30-50).

Regarding claims 29 and 35, Frey teaches the dial stream information includes calling party name, called party number, and duration of the call connection (this reads in general on the calling and the called party profile, see col. 5, lines 8-11). Recording the duration of the call is inherent since the reference has to perform a billing for the services.

Claims 30 and 36 are rejected for the same reasons as discussed above with respect to claim 29. Also, see caller ID information on col. 21 in Frey.

Response to Arguments

6. Applicant's arguments filed 12/13/2005 have been fully considered but they are not persuasive.

Applicant argues on page 10 of the Remarks "Frey's access module (117) recognizes and responds to keypad inputs from either a calling party or a called party. However, unlike independent claim 1., Frey makes no mention of a requesting party". The Examiner raised the question of whether the calling party recited in independent claims 1 and 8 is the same as the requesting party or not. However, if it appears that the requesting party is the same as the calling party then applicant's argument is irrelevant.

In addition, applicant argues "there is no motivation for combining Frey with Pattison". Also applicant's adds "there is no evidence in the prior art to support combining the references". First of all, the examiner does not have to provide evidence for general knowledge/logical statement. Second, Pattison was introduced specifically to teach the limitation of "analyzing the recorded dial stream information derived from at least one of the call connection request and the call connection to generate a result for the at least one analysis request". Therefore, adding Pattison's teaching into the Frey system would definitely allow processing the requests faster and more efficiently. For example, analyzing the received information speeds up the process of providing the desired requested service(s) to the requesting party.

Also, regarding applicant's argument of the rejection of claim 32. The examiner will maintain the rejection of claim 32 as rejected for the same reason of claim 1 for the following reasons: First, the cited limitations of claim 32 are substantially the same

limitations recited in independent claim 1. Thus, all the citations in the prior art used to reject claim 1 should be applied to claim 32. Second, the Examiner interrupting the claimed "first party" and "second party" as recited in claim 32 the same as the "calling party" and "called party" recited in claim 1.

Examiner believes that all other arguments already addressed in the above rejection.

Conclusion

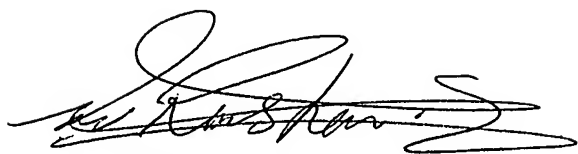
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Rasha S. Al-Aubaidi', with a large, stylized flourish at the end.

RASHA S. AL-AUBAIDI
PATENT EXAMINER

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02/28/2006